

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AMERIPRIDE SERVICES, INC.,
A Delaware corporation,

Plaintiff,

v.

VALLEY INDUSTRIAL SERVICE, INC.,
a former California corporation,
et al.,

Defendants.

AND CONSOLIDATED ACTION AND
CROSS- AND COUNTER-CLAIMS.

NO. CIV. S-00-113 LKK/JFM

The court is in receipt of the recent documents filed by AmeriPride in the above-captioned case. The court notes that two of these documents were filed past the filing deadline and were not in compliance with the local rules.

First, AmeriPride filed an "amended" response to Huhtamaki's statement of undisputed facts late in the afternoon on July 27, 2006, a full day after the filing deadline. The filing deadline

1 was July 26, 2006 at 10:00 a.m. AmeriPride failed to explain its
2 delay in filing and failed to seek permission of the court to file
3 the amended pleading past the filing deadline.

4 Second, the court is also in receipt of AmeriPride's Exhibit
5 V to the Declaration of Lee Smith in Support of AmeriPride's
6 Opposition to Huhtamaki's motion for sanctions. This document
7 contains roughly fifty pages of over 100 color photographs. This
8 document was also filed late. It was filed on July 26, 2006 at
9 5:38 p.m. Moreover, the document was filed in violation of Local
10 Rule 39-138, which specifically sets forth the procedures for
11 filing color photographs. Finally, the court notes that although
12 Exhibit V is referenced in AmeriPride's opposition brief, the brief
13 fails to cite to particular pages and fails to explain the content
14 of the photos. The court cannot, on its own, determine what the
15 pictures even show much less how the pictures are relevant to the
16 pending motion for sanctions.

17 For these reasons, the court orders that Exhibit V to the
18 Declaration of Lee Smith in support of AmeriPride's Opposition to
19 Huhtamaki's Motion for Sanctions and the Amended Response to
20 Hutamaki's Statement of Undisputed Facts are STRICKEN from the
21 record.

22 IT IS SO ORDERED.

23 DATED: July 28, 2006.

24 
LAWRENCE K. KARLTON

25 SENIOR JUDGE

26 UNITED STATES DISTRICT COURT